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8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
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11 RICK HAMILTON and KRISTIN
12 HAMILTON,

13 Plaintiff,

14 v.

15 COUNTY OF MADERA, *et al.*,

16 Defendants.

No. 1:20-cv-00484-NONE-EPG

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS RECOMMENDING
THAT PLAINTIFF'S MOTION FOR LEAVE
TO AMEND BE DENIED AND
DEFENDANT'S MOTION TO DISMISS BE
GRANTED, WITH LEAVE TO AMEND

(Doc. Nos. 11, 17 & 25)

17 Plaintiffs Rick Hamilton and Kristin Hamilton commenced this civil rights action pursuant
18 to 42 U.S.C. § 1983 on April 3, 2020. (Doc. Nos. 1–2.) This action is currently proceeding on
19 plaintiff's first amended complaint against defendants County of Madera, County of Madera
20 Board of Supervisors, and various individuals in connection with a long-running dispute between
21 the Hamiltons and Madera County. (Doc. No. 6.) Defendants filed a motion to dismiss on
22 August 18, 2020. (Doc. No. 11). Plaintiffs filed a motion for leave to amend their complaint on
23 February 18, 2021. (Doc. No. 17). Both motions were referred to the assigned magistrate judge.
24 (Doc Nos. 16 & 18).

25 On April 22, 2021, the magistrate judge issued findings and recommendations,
26 recommending that defendants' motion to dismiss be granted; that plaintiffs' motion for leave to
27 amend be denied; and that plaintiffs be granted further leave to amend, with certain limitations.
28 (Doc. No. 25).

1 Those findings and recommendations were served on the parties and contained notice that
2 any objections thereto were to be filed within fourteen (14) days after service. (*Id.* at 13-14.) No
3 objections have been filed, and the deadline to do so has expired.

4 In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(C), this court has conducted a
5 *de novo* review of the case. Having carefully reviewed the entire file, the court concludes that the
6 magistrate judge's findings and recommendations are supported by the record and by proper
7 analysis. The undersigned agrees that plaintiffs' first amended complaint and proposed second
8 amended complaint are prolix and violate Federal Rule of Civil Procedure 8. The undersigned
9 also agrees that leave to amend should be granted subject to the restrictions recommended by the
10 magistrate judge.

11 Accordingly,

- 12 1. The findings and recommendations issued on April 22, 2021, (Doc. No. 25), are adopted
13 in full;
- 14 2. Defendants' motion to dismiss (Doc. No. 11) is GRANTED, with leave to amend;
- 15 3. Plaintiffs' motion for leave to amend (Doc. No. 17) is DENIED; and
- 16 4. Plaintiffs are granted leave to file a third amended complaint within thirty days of the date
17 of this order should they elect to pursue this action. Such third amended complaint,
18 including its exhibits, must be no longer than 35 pages in length, and all claims for relief
19 asserted therein must include specific allegations or otherwise clearly describe what
20 actions by which defendants allegedly violated plaintiffs' rights.

21 IT IS SO ORDERED.

22 Dated: June 25, 2021

23 
UNITED STATES DISTRICT JUDGE